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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/277,213	03/26/1999	YASUSI KOBAYASHI	FUJO-12.880A	3219

26304 7590 03/21/2007
KATTEN MUCHIN ROSENMAN LLP
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NEW YORK, NY 10022-2585

EXAMINER

HOM, SHICK C

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No.	Applicant(s)	
	09/277,213	KOBAYASHI ET AL.	
	Examiner	Art Unit	
	Shick C. Hom	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2006 and 08 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-44 is/are pending in the application.
- 4a) Of the above claim(s) 50, 53, 54 and 95 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/12/06 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 43 and 44 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. Claims 43-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 43 lines 9-11 recite the interface unit converting the data format of the generated control information while the specification in page 800 lines 14-19 recite the intra-station device having the function of converting the intra-station control communications cell into a LAP frame is not clear. In claim 43 lines 13-16 which recite the interface unit converts the control information and adds routing information as can be identified and routed by said interface unit at a receiving equipment, and transmits the information to the switch station is not clear as to whether it is the control information, or routing information, or control information appended with the routing information that is being transmitted to the switch station.

Claim 44 is rejected under 35 U.S.C. 112, second paragraph, because it depends from rejected claim 43.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Kunimoto et al. (5,303,236).

Regarding claim 43:

Kunimoto et al. disclose switching a fixed-length packet (col. 1 line 54 to col. 2 line 3 recite the ATM switching system including control signals and information being transferred in fixed-length packets) comprising:

a processor generating control information in a link access protocol (LAP) frame data format to control operations of the switch (col. 3 line 50 to col. 4 line 6 and Fig. 2 shows the processor 100 for generating control information in LAP frame data format to the switch 30);

an interface unit converting the data format of the generated control information into a data format of the fixed-length packet which said switch can exchange; and adds routing information identified by the switch station and transmits the converted control information to the switch station (Fig. 6 shows the interface unit and col. 8 line 1-37 recite the interface unit converting the data format and inserting route information and output the new cell onto the transmission bus) as recited in claim 43.

Regarding claim 44:

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Kunimoto et al. disclose wherein said intra-station device comprises identifying means for identifying whether received data is subscriber data or the control Information; and said intra-station device transmits the data after adding routing information, when said identifying means has received the subscribed data, to received subscriber data to be routed to a destination, and after adding the routing information, when said identifying means has received the control information, to received control information to be routed to said interface unit at said receiving equipment (col. 1 line 54 to col. 2 line 3 recite system for switching data and control signals whereby the signal frame include control information and col. 2 lines 46-52 recite the scanning unit for detecting signal frames).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takahashi et al. disclose a multiprocessor system having switches for routing cells in parallel among processors by splitting data into blocks having number of cells equals to processor bus width.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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